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Date: December 15, 2005

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Mail Stop Petition Commissioner for Patents		

From:	Daniel G. Radler	414.978.8749	414.277.5749
Re:			

Message:

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DEC 15 2005

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Date of Signature

and Deposit: 12/15/05

  
D. G. Radler, Reg. No. 43,028

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert Holt et al.  
Serial No.: 10/674,882  
Filed: September 30, 2003  
For: INSPECTION AND TESTING INDICATOR  
Art Unit: 2841  
Examiner: Miska, Vit W.  
Att'y. Docket: 180825.00047

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**Petition For Withdrawal Of Abandonment under 37 CFR §1.181**

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner hereby petitions the Commissioner to withdraw a Notice Of Abandonment mailed on September 6, 2005 (copy enclosed). The enclosed Notice Of Abandonment was issued in response to a request (copy enclosed) by one of the inventors, Mr. David J. Haas, who at the time of his request was no longer employed by the assignee of the entire interest of the above referenced application and had no authority to request such abandonment, either from the assignee or under 37 CFR 1.33(b). The assignee was unaware of the abandonment of the application until after the undersigned was appointed as attorney of record which allowed the inspection of the prosecution history file containing the Notice Of Abandonment.

Section 1.33(b) requires any paper filed in an application be signed by (1) A patent practitioner of record appointed in compliance with Section 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under provisions of Section 1.34; (3) An assignee as provided for under Section 3.71(b) of this chapter; or (4) All of the applicants (Section 1.41(b) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with Section 3.71 of this chapter. The enclosed express abandonment submitted by Mr. David J. Haas does not meet any of the above requirements. Accordingly, his request to expressly abandon the above referenced application counter to the wishes of the other co-inventor, Robert Holt.

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U.S. Serial No. 10/674,882

Art Unit 2841

Page 2

and the assignee of record, Temtec, Inc. which has been merged into Brady Worldwide, Inc. should not have been accepted by the U.S. Patent Office. Accordingly, withdrawal of the Notice Of Abandonment and continued examination of the above referenced application is respectfully requested.

No fee is believed due for filing this petition. However, if a fee is deemed due, please charge such fee to Deposit Account No. 17-0055

Respectfully submitted,

By: 

Daniel G. Radler, Reg. No. 43,028

Quarles & Brady LLP

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,882	09/30/2003	Robert Holt	3.0-002	9227

7590 09/06/2005  
Michael E. Zall  
Two Yorkshire Drive  
Suffern, NY 10901

EXAMINER

MISKA, VIT W

ART UNIT PAPER NUMBER

2841

DATE MAILED: 09/06/2005

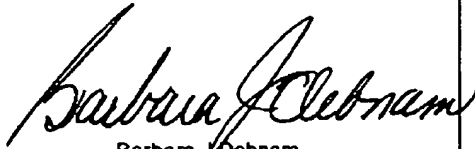
Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	10/674,882	HOLT ET AL.	
	Examiner	Art Unit	
	Miska, Vit W	2841	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - ☐ No corrected drawings have been received.
- ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

  
Barbara J. Debnam  
Management & Program Analyst  
Art Unit: 3900

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

**Notice of Abandonment**

**Part of Paper No. 0**

**TECCO Corporation**  
**19 West Gate Road**  
**Suffern NY 10901**

**Tel 845-641-9122**  
**Fax 845-357-6396**

*Express A hand. nmt*

July 7, 2005

Mr. Vit Miska  
Patent Examiner  
U.S. Patent and Trademark Office  
2900 Crystal Drive  
Arlington VA 22202-3513

*S.N. 10/674,882*  
*A-4-2841*

Dear Mr. Miska,

In reference to our patent application 10/674,882 titled 'Inspection and testing indicator' filed 9/30/2003 by Tecco Corporation, we wish to abandon this application as of today's date.

As the President of Tecoo Corporation, this letter serves as notice for terminating this application. I have attached a copy of the original filing receipt to confirm that there is no confusion as to the specified application.

Yours truly,

*David J. Haas July 7, 2005*  
David J. Haas  
President